IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

CRIMINAL BAIL APPLICATION NO.5218 OF 2004
IN
CRIMINAL APPEAL NO.1209 OF 2004

Salman @ Munna Rehman @ Chotan Khan ..Applicant

Vs.

State of Maharashtra .. Respondent

Mr.N.D.Deboo for applicant.

Ms.Usha Kejariwal, APP for the State.

CORAM : R.M. LODHA AND
R.S. MOHITE, JJ.

DATED : 18th January, 2005

P.C.

Heard Mr.N.D.Deboo, the learned counsel for the accused-applicant and Ms.Usha Kejariwal, the learned APP.

2. We also perused the judgment of the learned Addl. Sessions Judge dated 11/12th August, 2004.

3. The prosecution produced PW3 Noorjahaan, PW5 Aaiwanabai @ Ashatai and PW6- complainant as the eye witnesses. The learned Additional Sessions Judge on consideration of their evidence held that none of these witnesses viz. PW3, PW5 and PW6 can be said to be eye witnesses. It is alleged that the accused fired from the countrymade hand gun at Bhamabai (deceased) and as a result thereof, she sustained

injuries and died. The forensic evidence led by the prosecution indicates that the soft nose cuprojacketed 8 mm rifle bullet recovered from the body of the deceased was not fired from the countrymade hand gun recovered from the accused. The circumstantial evidence relied upon by the learned trial court, prima facie, does not complete the chain connecting the accused with the crime.

4. We are, thus, satisfied that the sentence awarded by the learned Additional Sessions Judge to the accused-applicant deserves to be suspended. We, accordingly, direct that the accused-applicant be released on bail subject to his furnishing the personal bond in the sum of Rs.10,000/- and two sureties of the like amount to the satisfaction of the trial court for his appearance before this court as and when called upon.

5. Criminal bail application is allowed and disposed of in the aforesaid terms.

(R.M. LODHA, J.)

(R.S. MOHITE, J.)